

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

Umar Alli

Plaintiff,

AFFIRMATION

- against -

12 Civ. 3947 (GBD) (MHD)

Warden of ARNDC, et al.,

Defendants.

----- x

DANIEL G. SAAVEDRA, an attorney licensed to practice law in the State of New York, affirms the truth of the following under penalty of perjury:

1. I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendants City of New York, Commissioner Schriro, Warden Duffy, Warden Bailey, Warden Argo, Captain Vega, Captain Singutary, Deputy Warden Lemon, Officers DiPerri, Rees, Gleen, and Brown (hereinafter “defendants”).

2. On July 30, 2015, the Court issued an Order directing defendants, *inter alia*, to supplement their responses to plaintiff’s discovery requests. See Docket Entry No. 130. In its July 30, 2015 Order, the Court issued several directives. The first directive (hereinafter “Directive #1”) reads as follows: “[w]ith respect to interrogatories 1-4 and 6-8 and document requests 6-8 and 12-13, defendants are to complete their ‘search’ and provide fully responsive answers and complete production of responsive documents by no later than August 14, 2015. If any of these documents cannot be located, defendants are also required to serve and file a declaration from an individual with personal knowledge describing in detail the search that was

undertaken, including when. They are required as well to serve and file a declaration by August 17, 2015 attesting to their full compliance with this directive.”

3. On August 28, 2015, the Court issued an Order granting defendants an enlargement of time, until September 18, 2015, to fully supplement their responses to “interrogatories 1-4 and 6-8 and document requests 6-8 and 12-13.” *See Docket Entry No. 146.* This Order further granted defendants an enlargement of time, until September 21, 2015, to serve and file a declaration attesting to their compliance with the Court’s July 30, 2015 directive. *Id.*

4. In compliance with the Court’s July 30, 2015 Order, defendants herein state that on August 3, 2015 defendants provided plaintiff with a written response to Interrogatory No. 6. *See Docket Entry No. 131.*

5. Additionally, on August 12, 2015, defendants forward to plaintiff documents bearing Bates Stamp Nos. NYC 253 through NYC 453. These documents are responsive to Interrogatory No. 4 and Document Request Nos. 7 and 13. *See Docket Entry No. 138.* These documents include plaintiff’s medical records, as well as grievances plaintiff filed with the Department of Correction and the Board of Correction. In addition, on August 12, 2015, defendants forwarded to plaintiff a complete response to Interrogatory No. 1. *Id.*

6. With respect to Interrogatory Nos. 2, 3, and 8, as well as Document Request Nos. 6 and 12, defendants herein state that despite a diligent and extensive search, defendants were not able to locate responsive documents. Accordingly, on September 18, 2015, defendants served and filed two declarations from employees of the Department of Correction detailing the search that was undertaken to locate materials responsive to Interrogatories No. 2, 3, and 8, as well as Document Request Nos. 6 and 12. Interrogatory Nos. 2, 3, and 8 concern any

available surveillance footage of the incident. Document Request Nos. 6 and 12 concern a logbook entry.

7. With respect to Interrogatory No. 7, as well as Document Request Nos. 8 and 10, defendants herein state that on August 7, 2015 defendants asked the Court to grant an enlargement of time for defendants to produce responsive documents, pending the execution of a proposed Stipulation and Order of Protection. *See* Docket Entry No. 132. On August 12, 2015, the Court stayed the deadline for defendants to produce documents responsive to Interrogatory No. 7, as well as Document Request Nos. 8 and 10, until the entry of a protective order. *See* Docket Entry No. 136. On September 18, 2015, the Court endorsed an Order of Confidentiality. *See* Docket Entry No. 152. Accordingly, on September 18, 2015, defendants served on plaintiff documents responsive to Interrogatory No. 7 and Document Request Nos. 8 and 10.¹

¹ In addition, on September 18, 2015, defendants served on plaintiff documents responsive to Document Request No. 5, in accordance with the Court's August 27, 2015 Order. *See* Docket Entry No. 144.

8. Accordingly, defendants herein state that they have, in good faith, complied with Directive #1 from the Court's July 30, 2015 Order.

Dated: New York, New York
September 21, 2015

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
*Attorney for Defendants City, Schriro, Duffy,
Bailey, Argo, Vega, Singutary, Lemon, DiPerri,
Rees, Gleen, and Brown*
New York, New York 10007
(212) 356-0892

By:



DANIEL G. SAAVEDRA
Special Federal Litigation Division